

REMARKS

Reconsideration of the subject application is earnestly solicited.

Claims 183 through 186, 188 through 209, 223 through 226, 228 through 254, 258, 261, 262, 265 through 278, 281, 283 through 285, and 287 are pending, with Claims 183, 191, 199, 223, 231, 239, 250, 261, 262, 266, 269, 270, 271, 281, and 287 being independent. The independent claims have been amended.

STATEMENT UNDER 37 C.F.R. § 41.202

As previously advised, Applicant respectfully submits that Claims 183 through 186, 188 through 209, and 223 through 249 were copied in modified form from Claims 1 through 4 and 7 through 28 of U.S. Patent No. 6,209,823 ("Foster '823"), and Claims 250 through 289 were copied in modified form from Claims 1 through 7, 9, 13, 15, 16, and 18 through 30 of U.S. Patent No. 6,547,187 B2 ("Foster '187"), as shown by the following table:

TABLE

subject application claims	<u>Foster</u> '187 claims	<u>Foster</u> '823 claims
183, 223		1
184, 224		2
185, 225		3
186, 226		4
		5
		6

subject application claims	<u>Foster</u> '187 claims	<u>Foster</u> '823 claims
188, 228		7
189, 229		8
190, 230		9
191, 231		16
192, 232		11
193, 233		12
194, 234		13
195, 235		14
196, 236		15
197, 237		16
198, 238		17
199, 239		18
200, 240		19
201, 241		20
202, 242		21
203, 243		22
204, 244		23
205, 245		24
206, 246		25
207, 247		26
208, 248		27
209, 249		28
250	1	
251, 274	2	

subject application claims	<u>Foster</u> '187 claims	<u>Foster</u> '823 claims
252, 275	3	
253, 276	4	
254, 277	5	
255	6	
256	7	
	8	
257	9	
	10	
	11	
	12	
260, 279	13	
	14	
259	15	
260, 279	16	
	17	
261, 280	18	
262, 281, 282, 289	19	
264	20	
264	21	
260, 279	22	
266	23	
267, 284	24	
268, 285	25	
269	26	

subject application claims	<u>Foster '187</u> claims	<u>Foster '823</u> claims
270, 286, 287, 288	27	
271	28	
272	29	
273	30	

COMMENT RE EXPIRATION OF FOSTER '823

Applicant wishes to advise the Examiner that according to a search performed using the U.S. Patent and Trademark Office's PAIR system on April 3, 2006, Foster '823 has expired for non-payment of maintenance fees. Accordingly, Applicant respectfully submits that Foster '823 cannot be involved in an interference with the subject application.

FURTHER REMARKS

Claims 183, 190, 191, 192, 197 through 201, 206 through 209, 223, 228 through 232, 237 through 241, 246 through 250, 261, 266, 270, 271, and 287 were rejected under 35 U.S.C. § 103 over U.S. Patent No. 5,244,168 (Williams) over U.S. Patent No. 5,318,254 (Shaw, et al.). The Official Action acknowledges that Williams fails to show a compressor located at the base of the boom, but asserts that Shaw, et al. shows a deicing fluid pump located at the base of a nozzle carrying boom and that the pump is in an enclosure that is connected to the boom. The Official Action then asserts that the pump is analogous to a compressor for compressing air, and that motivation to combine is efficiency in having the source of a fluid as

near as possible to the area of use. The combination, asserts the Official Action, would “inherently” cause the compressor to be disposed above the roof of the vehicle. The Official Action also acknowledges that the claimed pressures are not shown, but asserts that they would have been obvious in view of Williams 100-200 mph airflow. Claims 184, 185, 193 through 196, 202 through 204, 224, 225, 233 through 236, 242 through 244, 251, 252, 254, 258, 262, 265, 267 through 269, 272 through 278, 281, and 283 through 285 were rejected under 35 U.S.C. § 103 over Williams and Shaw, et al., and further in view of U.S. Patent No. 4,423,980 (Warnock). Claims 186, 205, 226, and 245 were rejected under 35 U.S.C. § 103 over Williams, Shaw, et al., Warnock, and U.S. Patent No. 4,488,447 (Gebhardt). Claim 253 was rejected under 35 U.S.C. § 103 over Williams, Shaw, et al., Warnock, and U.S. Patent No. 5,134,266 (Peppard). All rejections are respectfully traversed.

Claims 183, 191, 199, 250, 266, and 270 variously recite, inter alia, that the compressor is supported at the base of the boom or that the air source or compressor unit is disposed at the base of the boom, wherein the compressor or compressor unit or air source is disposed above the roof of the vehicle, and wherein a power source for the compressor or compressor unit or air source is disposed below the roof of the vehicle.

Claims 223, 231, 239, and 287 recite, inter alia, that the compressor enclosure is connected to the vehicle boom, wherein the compressor or compressor unit is disposed above the roof of the vehicle, and wherein a power source for the compressor or compressor unit is disposed below the roof of the vehicle.

Claims 261, 262, and 281 recite, inter alia, that the compressor or compressor unit is at the end of the boom, wherein the compressor or compressor unit is disposed above the

roof of the vehicle, and wherein a power source for the compressor or compressor unit is disposed below the roof of the vehicle.

Claims 269 and 271 recite, inter alia, that the compressor unit is located at the boom, wherein the compressor unit is disposed above the roof of the vehicle, and wherein a power source for the compressor unit is disposed below the roof of the vehicle.

However, it is respectfully submitted that none of Williams, Shaw, et al., Warnock, Gebhardt, and Peppard, even in the proposed combinations, assuming, arguendo, that the documents could be combined, discloses or suggests at least the above-discussed claimed features as recited, inter alia, in Claims 183, 191, 199, 223, 231, 239, 250, 261, 262, 266, 269, 270, 271, 281, and 287.

First, the assertion in the Official Action that Shaw, et al.'s deicing fluid pump is analogous to Williams' compressor for air is respectfully traversed as being without support in the record. To the contrary, Applicant wishes to point out that Williams has both (1) an APU 28 for providing compressed air and (2) a deicing fluid arrangement. Certainly, Shaw, et al.'s deicing fluid pump is less analogous to Williams' APU 28 than it is to Williams' deicing fluid arrangement. So if, arguendo, the artisan were compelled to modify Williams with Shaw, et al.'s deicing fluid pump, he would not attempt to modify APU 28. And even if, arguendo, he were compelled to modify APU 28, he would still not arrive at the claimed invention wherein the compressor/compressor unit/air source is above the roof, and the power source therefor is below as claimed. Therefore, the assertion in the Official Action that the cited documents "inherently" result in the claimed invention is respectfully traversed.

Secondly, the assertion in the Official Action regarding the efficiency of having the source of a fluid as near as possible to the area of use in order to avoid friction losses is also traversed. Carried to its logical extreme, the assertion would result in placing the compressor right at the nozzle (i.e., “as near as possible to the area of use”), which is not “at the base of the boom” as claimed in many of the claims.

Thirdly, regarding the dependent claims that require 100 pounds per minute, Applicant respectfully submits that the references in the cited documents to various mph or psi characteristics simply do not provide either a description or suggestion of the aforementioned claimed feature as recited, inter alia, in combination with the above-discussed claimed features, which require above and below the roof placement as claimed. Therefore, the assertion in the Official Action that the claimed features are met by “design choice” is respectfully traversed as being without support.

Fourthly, the Official Action also asserts that Warnock is analogous. This assertion is respectfully traversed. Warnock pertains to asphalt and is not at all analogous to deicing fluid and air compression.

It is further respectfully submitted that there has been no showing of any indication of motivation in the cited documents that would lead one having ordinary skill in the art to arrive at the above-discussed claimed features.

Furthermore, Applicant respectfully directs the Examiner’s attention to MPEP 2307.02, which states that Group Director approval is necessary for the rejection of claims copied from a patent where the ground of rejection is also applicable to the corresponding claim in the patent. The Official Action states that the subject application’s claims “do not copy” those of the

patents from which they are copied. In response, Applicant respectfully wishes to point out that although the subject application's claims are not identical to those of the patents, the Official Action has not explained why the ground of rejection does not also apply to the patents' claims.

The dependent claims are also submitted to be patentable because they set forth additional aspects of the present invention and are dependent from independent claims discussed above. Therefore, separate and individual consideration of each dependent claim is respectfully requested.

CONCLUSION

Applicant has copied the claims from U.S. Patent Nos. 6,209,823 (Foster '823) and 6,547,187 B2 (Foster '187) for the purpose of provoking an interference. Support for the copied claims and the identification of a proposed count for the interference will be submitted in a separate Request for Interference which will be filed in due course should the Examiner wish. In the meantime, if the Examiner reaches this case for action prior to receipt of the Request for Interference, the Examiner is requested to telephone the undersigned before acting on the subject application.

Applicant's undersigned attorney may be reached by telephone at
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Respectfully submitted,



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